

ORIGINAL

C. KAUI JOCHANAN AMSTERDAM
US SEANTE CANDIDATE
1415 Pensacola St., # 12
Honolulu, Hawaii 96822
Telephone: 808-550-4994
e-mail: charles.amsterdam@
hawaiian tel.net
TRUDY MILANI TAKAYAMA
Representative
Telephone: 808-959-0132
PRO SE

FILED IN THE
UNITED STATES DISTRICT COURT
DISTRICT OF HAWAII

NOV 06 2006

at 3 o'clock and 45 min. P.M.
SUE BEITIA, CLERK

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

C. KAUI JOCHANAN AMSTERDAM
Candidate for the US Senate
Plaintiff

vs.

DWAYNE D. YOSHINA
Chief Elections Officer for
the State of Hawaii
Defendant

CIVIL NO. CV06 00519 HG BMK

REPLY BRIEF TO DEFENDANT'S
MEMORANDUM IN OPPOSITION TO
PLAINTIFF'S MOTION FOR PRE-
ELIMINARY INJUNCTION

REPLY BRIEF TO DEFENDANT'S MEMORANDUM IN OPPOSITION TO
PLAINTIFF'S MOTION FOR PRELIMINARY INJUNCTION

I. INTRODUCTION

The Defendant misstates the position of the Plaintiff and states that the Plaintiff's position is unclear and unsupported by evidence when the opposite is the case. The Defendant's misstatements also reflect that there is a great difference between the Complaint issued to the State Court and that issued to the Federal Court. The Defendant refers to the relatively weaker Complaint of the Plaintiff submitted to the State Court and omits the strong Complaint submitted to the Federal Court supported by case law, Affidavit, Voter's Testimony or Petition of Support, greater details, and supporting evidence and the greater experience of the Plaintiff, who has been represented Pro Se in this important case.

The Complaint before the Federal Court is very different from that presented to the State Court and contains all of the elements, which were suppose to be requested by the State Court or supposedly lacking. The Plaintiff's Complaint and Motion for Preliminary Injunction contains extensive evidence and clarifies important points and accordingly, the Defendant misleads the Federal Court by selectively using the State Court's Complaint and omitting the Federal Court Complaint of the Plaintiff, which provides sufficient evidence, reason, cause, and important points of law.

2. ARGUMENT

First, the Defendant misstates the Plaintiff's position which is clearly defined and presented in his Motion for Preliminary Injunction and Amended Complaint.

Secondly, the Defendant says that there is little difference between the outcomes or results from being both a non-partisan and partisan candidate. That is false because as a NONPARTISAN PARTY BALLOT Candidate, the Plaintiff advances to the ballot of the General Election. And as a non-partisan candidate he is eliminated.

Thirdly, the Voting Public present testimony that they were misinformed, misled, and confused. That is evidence elaborated on in the Amended Complaint and the Defendant dismisses such crucial evidence as he has consistently done.


Fourthly, the Defendant does not feel it important to advance peace in the Middle East or meet the rights of Hawaiians or meet the Civil Rights of the Plaintiff, but rather feels, the convenience of the Elections Office is more important. The Elections Office can use creative means such as adding an additional slip of paper to include the Candidate and demonstrate fairness, reason, and consistency. The Plaintiff and the Voting Public requests and gives evidence that the Plaintiff should be treated as listed and advanced to the General Election. To not do such will be unfair, unreasonable, inconsistent, and untruthful.

Finally, irreparable harm will result by ~~not~~ providing the justice the Plaintiff seeks. Now is the great need. People's lives are being lost. Great dangers exist now and important needs being overlooked. The Plaintiff is addressing and meeting these important and urgent needs and issues. To put things off completely disregards the urgency of the present. Far greater harm exists in doing what the Defendant is asking than granting the civil rights and meeting the important needs and issues of the Plaintiff.

3. PRAYER AND RELIEF

Thus, the Plaintiff humbly asks the Court to please grant justice, reason, and truth by sustaining the Motion for Preliminary Injunction. ~~Most~~ importantly, the Plaintiff humbly asks the honorable Court to advance the Plaintiff as a Candidate to the Ballot of the 2006 General Election for Truth, Justice, Civil Rights, and to ~~keep~~ and make the World a better place in which to live and to do so with all of the resources provided the Court in this Motion of Preliminary Injunction, and Amended Complaint.

Dated: Honolulu Hawaii, November 6, 2006


C Kaui Jochanan Amsterdam
US Senate Candidate
Plaintiff

Pro Se

CERTIFICATE OF SERVICE

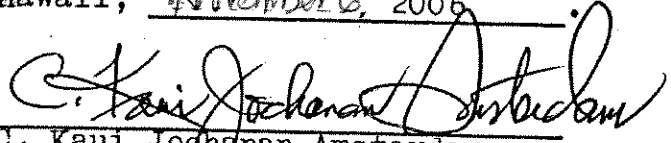
I hereby certify that a copy of the Notice of Motion and Motion for Preliminary Injunction; Memorandum in Support, Declaration, Affidavit, and Exhibit A were duly served upon the following party listed in the manner described thereto, his last-known address this date to:

Dwayne D. Yoshina
Chief Election Officer
Elections Office
802 Lehua Ave.
Pearl City, Hawaii
96782

By Hand Mail

X

Dated: Honolulu, Hawaii, November 6, 2006


C. Kai Jochanan Amsterdam
US Senate Candidate
Pro Se